



State of Connecticut

HOUSE OF REPRESENTATIVES STATE CAPITOL

REPRESENTATIVE CLARK J. CHAPIN
SIXTY-SEVENTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING ROOM 4200
HARTFORD, CT 06106-1591

TESTIMONY IN SUPPORT OF HB 6116

An Act Authorizing the Commissioner of Transportation to Waive Insurance and Surety Bond Requirements for Persons Working in a State Highway Right-of-Way

Transportation Committee Public Hearing March 14, 2011

Thank you for the opportunity to provide testimony in support of HB 6116, An Act Authorizing the Commissioner of Transportation to Waive Insurance and Surety Bond Requirements for Persons Working in a State Highway Right-of-Way. This legislation is intended to provide an option for the commissioner to waive certain requirements in a limited number of instances.

While the insurance and surety bond requirements for working in the state's right-of-way are both appropriate and necessary in most cases, occasionally these requirements make no sense and serve no legitimate purpose. As an example, I was contacted by a small business owner last fall after such an issue arose. After checking with local officials and Call Before You Dig, and believing he had all necessary approvals in place, he buried conduit from the utility pole on his lawn to his building.

Since the pole was approximately 15 feet from the paved surface of a state highway, he was surprised when a DOT inspector arrived and informed him he would need not only an encroachment permit, but also insurance and a surety bond. Since he had made a good faith effort to secure any necessary approvals and the work was already completed, my office sought to have the insurance and bond requirements waived. It was at this point that I discovered that the commissioner did not have the statutory authority to honor his request.

In cases where work performed is not in close proximity to the highway, the justification for insurance or a surety bond is questionable. While I acknowledge the importance of securing an encroachment permit, insurance and bond requirements should be able to be waived for work performed which has no chance of impacting the highway.

Thank you for consideration of HB 6116. Passage of this bill may help to reduce unnecessary costs to businesses and residents alike. As always, I am happy to provide additional information or answer any questions.